



U.S. Department of Justice

Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

March 26, 2001

MEMORANDUM FOR THE ATTORNEY GENERAL

FROM:

Sheryl L. Walter

Acting Assistant Attorney General

SUBJECT:

Weekly Report for March 26, 2001 - March 30, 2001

THE WEEK AHEAD

Nominations: Ted Olson has a courtesy visit with Senator Thurmond this week.

The nomination of Larry Thompson to be Deputy Attorney General was sent to the Senate on March 22. (Scott-Finan)

Recent Presidential Pardons: On March 14, the House Government Reform Committee (Burton, Chair) sent an additional document request, seeking Department records on clemency for eighteen individuals, White House priorities for clemency processing, and FBI records regarding possible investigations relating to Roger Clinton. The request is under review and we anticipate consultation with the White House about the potential privilege issues that it presents. (F. Burton)

False Claims Act: On March 19, staff from the Civil Division and OLA briefed House Commerce Committee staff on how the Department uses the False Claims Act, how we have implemented the Deputy Attorney General guidance of 1998, and what steps we have taken to inform health care providers and carriers about our use of the False Claims Act.

On March 26, staff from the Criminal Division, Executive Office for United States Attorneys and OLA will meet with staff from the House Commerce Committee to discuss the use of criminal sanctions in health care fraud cases. (Pearlman)

Medical Marijuana: On March 27, the Subcommittee on Criminal Justice, Drug Policy and Human Resources of the House Committee on Government Reform will hold a hearing on issues related to medical marijuana. Laura Nagel, DEA Assistant Administrator, Office of Diversion Control, will testify. (Tanner)

Radiation Exposure Compensation Act: On March 28, staff from OLA and CIV will meet with staff from the Senate Judiciary Committee to discuss technical amendments that need to be made to the RECA program, as well as to discuss other ideas for amending the program. (Pearlman)

Unborn Victims of Violence: On March 21, the House Judiciary Subcommittee on the Constitution reported H.R. 503 (introduced by Representative Graham) by a voice vote, with no amendments. The full Judiciary Committee will consider the bill on Wednesday, March 28. It is expected that the legislation will be considered on the House floor prior to the April recess. The Department has not yet been contacted for comment on this legislation. (D. Burford) EXEMPTION (b)5

Juvenile Justice Bill: On March 21, the House Judiciary Committee's Crime Subcommittee reported this bill. The full Judiciary Committee will consider the measure on March 28. We expect it move quickly through the House. [REDACTED]

(Owen)

Southwest Border - Illegal Drugs: On March 29, the Crime Subcommittee of the House Committee on the Judiciary will conduct a hearing on drug trafficking on the Southwest border. DEA will provide a witness for the hearing. (Tanner)

FOIA EXEMPTION (b)5

[REDACTED]
(F. Burton)

THE WEEK IN REVIEW

First Federal Execution: On March 14, U.S. Marshal Frank Anderson and BOP Warden Harley Lappin briefed Congressman Brian Kerns about the security for the area around the BOP facility in Terre Haute at the time of the first federal execution. The facility is in the Congressman's district and he is concerned about community safety. The Congressman met with you on this matter on March 22. (Scott-Finan)

Hanssen Espionage Case: On March 22, Criminal Division Deputy Assistant Attorney General Bruce Swartz and Internal Security Chief John Dion, with representatives from CIA and FBI, briefed members of the Senate Select Committee on Intelligence on counterintelligence issues.

On March 22, representatives from the Criminal Division attended a briefing by the FBI on the Hanssen case for cleared staff of the House Government Reform Criminal Justice Oversight Subcommittee. (Walter)

Methamphetamine: On March 22, representatives of DEA and OLA participated in an initial briefing for the House Meth Caucus, a newly formed group of 67 Members. (Tanner)

Internet Domain Names: Courts, the Internet and Intellectual Property Subcommittee of the House Judiciary Committee held a hearing on recent actions by the Internet Corporation for Assigned Names and Numbers, including the creation of new categories of domain names such as .biz and .pro on March 22. (Owen)

Review of Limits of Executive Orders: The House Commercial and Administrative Law Subcommittee, Judiciary Committee held a hearing on March 22, on how executive orders are defined, their basis in law and whether their usage interferes with the authority of Congress to make laws. (Owen)

Gang Bill: On March 21, staff from the Criminal Division and OLA met with staff of Senators Hatch and Feinstein to discuss the Hatch gang bill. (Coughlin)

Spam Bill: The House Commerce Committee held a mark up on the Spam Bill, which deals with unsolicited (usually commercial) electronic mail, on March 21. The Department had significant concerns about the bill (particularly the Criminal provisions) in the last Congress. A Senate alternative is also under consideration, but has not yet been introduced. (Owen)

Cyber Crime: On March 21, OLA and the Criminal Division's Computer Crime and Intellectual Property Section conducted a conference call with Congressman Asa Hutchinson and his staff. The Congressman became interested in our efforts to combat cyber crime upon learning that one of his constituents was harassed after her image, address and phone number were placed on the Internet. (Daley)

Drugs - Ecstasy: On March 21, Drug Enforcement Administrator Donnie Marshall testified before a hearing of the Senate Drug Caucus on progress against the drug Ecstasy. (Tanner)

Bioterrorism: On March 21, OLA accompanied the FBI and the Criminal Division's Terrorism and Violent Crime Section to brief Senator Biden's Judiciary staff on bioterrorism. At the end of the 106th Congress, Senator Biden introduced bioterrorism legislation and it is expected that he will reintroduce the legislation in the near future. (Daley)

Trafficking Protection Act: On March 15, the Office of Legislative Affairs and INS Congressional staff provided a briefing to House and Senate Judiciary staff regarding the Trafficking Protection Act. The briefing addressed INS promulgating regulations for Sec. 107(c), as well as "T" & "U" visas. Hill staff have indicated that the intent was to have the "T" visa be self-petitioning. Also discussed were statutory guidance regarding protection and housing of trafficking victims. The regulation for section 107(c) is due by April 28. (Miller)

Violence by Mexican Military: On March 16, the Office of Legislative Affairs provided a briefing to Chairman Sensenbrenner's staff regarding violence by the Mexican Military and Police against our Border Patrol agents at the Southwest Border. Four violent (guns drawn and fired) incursions were identified. Two stand offs (guns drawn, no shots fired) have occurred in 2001. The meeting focused on the factual description of the incidents and our relationship with Mexican government and liaisons to address these violent acts. (Miller)

Bankruptcy: On March 15, the Senate passed the bankruptcy bill, 83-15, with one voting present. Since there are differences between the House and Senate bills, there will need to be a conference. Republican leadership had hopes that the conference would proceed quickly, however, Senate Democrats may slow progress by insisting on 50/50 representation on the conference committee. (Wilson)

SW Border - Prescription Drugs: We are continuing to coordinate efforts of Customs, FDA/HHS, and interested components in this Department (DEA, ODAG, EOUSA and OLA) in addressing concerns of the House Commerce Committee regarding possible abuse of the Controlled Substances Trafficking Prohibition Act of 1998, Public Law No. 105-357, which allows individuals to bring into the United States from another country up to 50 doses of controlled substances (other than Schedule I) without a prescription. (Tanner)